IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.690 OF 2004

IN

COMPANY PETITION NO.361 OF 1996

Shri Naval Kishore J.Khanna ...Petitioner

Versus

The Official Liquidator,
appointed in respect of
Bombay Silk Mills Ltd. ...Respondents

And

Shri Fariduddin Latifuddin Nagamia ...Applicant

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Mr.A.N.Maniyar for Applicant.

Mrs.K.V.Gautam, Dy.Official Liquidator is present.

None for Petitioner.

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CORAM: A.M.KHANWILKAR, J.

JULY 7, 2005.

P.C.

1. Heard Counsel for the Applicant and the representative of the Official Liquidator.

2. This Application takes exception to the communication received by the Applicant from the Office of the Official Liquidator dated 13th August 2004 regarding notice of admission of proof of claim. The Applicant had originally submitted claim for sum of Rs.16,51,529.98 (Rupees Sixteen Lakhs Fifty-one Thousand Five Hunded Twenty-nine & Paise Ninety-eight). The Official Liquidator after considering the claim accepted the same to the extent of Rs.1,95,359/- (Rupees One Lakh Ninety-five Thousand Three Hundred Fifty-nine), which, according to the Official Liquidator was undisputed amount payable to the Applicant. In support of the remaining claim set up by the Applicant, no documentary evidence has been produced before the Official Liquidator nor any order from Court of competent jurisdiction or Authority is produced to establish the fact that the remaining claim of the Applicant has been adjudicated in favour of the Applicant to that extent. In absence of such proof, no fault can be found with the decision of the Official Liquidator in restricting the claim only to Rs.1,95,359/- (Rupees One Lakh Ninety-five Thousand Three Hundred

Fifty-nine) for the time being.

3. While disposing of this Application, it is, however, made clear that in the event the Applicant approaches appropriate forum for adjudication of his claim and that authority deciding the issue in favour of the Applicant, it will be open to the Applicant to resubmit his claim for the further amount to the Official Liquidator, which will be considered on its own merits in accordance with law.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.